

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

_____)	
Conservation Law Foundation, Inc.)	
)	Case No. 1:15-cv-476-LM
Plaintiff,)	
)	
v.)	
)	
Henniker Sand and Gravel Co., Inc.)	
)	
Defendant.)	
_____)	

JOINT NOTICE OF SETTLEMENT AND LODGING OF CONSENT DECREE
PENDING REVIEW BY THE DEPARTMENT OF JUSTICE

Plaintiff Conservation Law Foundation, Inc. (“CLF”) and Defendant Henniker Sand and Gravel Co., Inc. (“Henniker Sand and Gravel”) (collectively, the “Parties”) hereby provide notice to the Court that the Parties have settled the above-captioned matter, and lodge the attached fully-executed Proposed Consent Decree, pending the conclusion of the required 45-day review period mandated by the Clean Water Act and its regulations. 33 U.S.C. 1251 *et seq.* and 40 C.F.R. 135.5(b).

The Citizen Suit provision of the Federal Water Pollution Control Act provides that no consent judgment shall be entered in an action in which the United States is not a party prior to 45 days following the receipt of a copy of the proposed consent judgment by the Attorney General and the EPA Administrator. 33 U.S.C. § 1365(c)(3).

Plaintiff’s undersigned counsel will send copies of the fully-executed Proposed Consent Decree to the Administrator, Environmental Protection Agency (“EPA”), Washington, DC 20460, as well as to the United States Department of Justice (“DOJ”), Citizen Suit Coordinator, Environment and Natural Resources Division Law and Policy Section, P.O. Box 7415, Ben

Franklin Station, Washington, D.C. 20044-7415, pursuant to the requirements of 40 CFR § 135.5. Once the Proposed Consent Decree has been sent to EPA and DOJ, the Parties will await (1) notice from DOJ that the DOJ Citizen Suit Coordinator received the proposed consent judgment and (2) the start and end dates of the 45-day review period as determined by DOJ.

The Parties submit the attached Proposed Consent Decree to the Court at this time for informational purposes only. At the expiration of the 45-day review period set forth in 33 U.S.C. § 1365(c)(3), the Parties will move the Court to enter the Consent Decree.

Respectfully submitted on this 16th day of February, 2016, by:

CONSERVATION LAW FOUNDATION, INC.

/s/ Zachary Griefen

Zachary K. Griefen, NH Bar No. 265172
Conservation Law Foundation
15 East State Street, Suite 4
Montpelier, VT 05602
(802) 223-5992 x4011
zgriefen@clf.org

HENNIKER SAND AND GRAVEL CO., INC.

By: 

William E. Taylor, NH Bar No. 18873
Pierce Atwood LLP
254 Commercial Street
Portland, ME 04101
(207) 791-1213
wtaylor@pierceanwood.com

CERTIFICATE OF E-SERVICE

I hereby certify that the Parties' foregoing Joint Notice Settlement and Lodging of Consent Decree Pending Review by the Department of Justice, filed electronically through the ECF system with the Court on February 16, 2016, has been sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants, if any, on February 16, 2016.

/s/ Zachary K. Griefen
Zachary K. Griefen, NH Bar No. 265172
Conservation Law Foundation
15 East State Street, Suite 4
Montpelier, VT 05602
Telephone: 802. 223.5992 x4011
Facsimile: 802.223.0060
Email: zgriefen@clf.org